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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/263,005	03/05/1999	YOICHI YAMAGISHI	1232-4518	1295

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EXAMINER

NGUYEN, HUY THANH

ART UNIT	PAPER NUMBER
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2615

DATE MAILED: 02/26/2004

13

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/263,005

Applicant(s)

YAMAGISHI ET AL.

Examiner

HUY T NGUYEN

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 December 2003 and 14 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 and 7-33 is/are pending in the application.
- 4a) Of the above claim(s) 25-33 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 7-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 19-24 are rejected under 35 U.S.C. 102(b) as being anticipated by Kerns et al (5,367,332).

Regarding claims 19-24, Kerns disclose a medium for storing a program for control method for image processing (Fig. 1 and 2)

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation

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under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 1,3,7, 13,14,15-16,19-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stempeck (4,571,627) in view of Minoura et al (4,812,922) and Stevens (6,486,916).

Regarding claims 1, 3,7,13, 14,15 and 16, Stempeck discloses an image processing apparatus (Fig. 1, column 2, lines 53 t column 3, lines 20)) for recording, and playing back and displaying a sensed still image and/or moving image on a recording medium , comprising: an image sensing device (16) , a memory device (26) , a control device (34) , an optical finder(38) , a display device having at least an electronic view finder function (20) and a review function (review mode) of playing back and displaying the sensed image immediately after an image sensing operation, an electronic view finder setting device adapted to turn on and off said electronic view finder function, and a review setting device adapted to turn on and off said review function, wherein said control device stores an image signal output from said image sensing device in said memory device (26)while said display device is disabled, enables said display device immediately after the storage in the case that said review function is turned on, and plays back and displays the image signal stored in said memory device on said display device regardless of whether said electronic view finder function is turned on or off (column 5, lines 45-56, column 7, lines 20-60).

Stempeck fails to teaches a control means for setting a review function prior to sensing image . Minoura teaches a recording apparatus having means for setting a review function recording mode prior to receiving image and to enable of recording the image in a memory and for reviewing the image after image has been stored n the memory (Fig. 1,column 6, lines 15-25).

It would have been obvious to one of ordinary skill in the art to modify Stempeck with Minoura by using a review setting means as taught by Minoura with the apparatus thereby enhancing the function of the apparatus of Stempeck to provide more convenience the user in selecting image for storing .

Stempek as modified with Minoura fails to teaches a display setting means for enabling the display device for displaying the image stored in the memory means . Stevens teaches a camera having a control means for enabling a display deice for displaying the play image stored in the memory means (column 7, lines 15-40). It would have been obvious to one of ordinary skill in the art to modify Stempeck as modified with Minoura by using the display device setting means as taught Stevens with the apparatus of Stempeck as modified with Minoura for setting the display device for enabling the display device to display the stored image in order to conserve the power of the apparatus .

Further for claims 4, 7,14,15 and 16, Stempeck as modified with Minoura further teaches display image for a predetermined time since the user can select the display of image for a predetermined time (see Minoura , column 6, lines 15-20) .

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Regarding claims 19-22, Stempeck as modified with Minoura and Stevens and further teaches the use of a medium for storing a program to implement a control method as recited in claim 18 since Stempeck, Minoura and Stevens teach controllers control the operation of the apparatus based on instruction stored in the controllers.

5. Claims 9,11,17 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stempeck in view of Minoura and Stevens as applied to claims, further un view of Kinoshita (4,740,826).

Regarding claims 9,11,17 and 18, Stempeck discloses an image processing apparatus (Fig. 1, column 2, lines 53 t column 3, lines 20)) for recording, and playing back and displaying a sensed still image and/or moving image on a recording medium , comprising: an image sensing device (16) , a memory device (26) , a control device (34) , an optical finder(38) , a display device having at least an electronic view finder function (20) and a review function (review mode) of playing back and displaying the sensed image immediately after an image sensing operation, an electronic view finder setting device adapted to turn on and off said electronic view finder function, and a review setting device adapted to turn on and off said review function, wherein said control device stores an image signal output from said image sensing device in said memory device (26) while said display device is disabled, enables said display device immediately after the storage in the case that said review function is turned on, and plays back and displays the image signal stored in said memory device on said display

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device regardless of whether said electronic view finder function is turned on or off (column 5, lines 45-56, column 7, lines 20-60).

Stempeck fails to teaches a control means for setting a review function prior to sensing image . Minoura teaches a recording apparatus having means for setting a review function recording mode prior to receiving image and to enable of recording the image in a memory and for reviewing the image after image has been stored n the memory (Fig. 1, column 6, lines 15-25).

It would have been obvious to one of ordinary skill in the art to modify Stempeck with Minoura by using a review setting means as taught by Minoura with the apparatus of Stempeck thereby enhancing the function of the apparatus of Stempeck to provide more convenience to the user in selecting image for storing .

Stempeck as modified with Minoura fails to teaches a display setting means for enabling the display device for displaying the image stored in the memory means . Stevens teaches a camera having a control means for enabling a display deice for displaying the play image stored in the memory means (column 7, lines 15-40). It would have been obvious to one of ordinary skill in the art to modify Stempeck as modified with Minoura by using the display device setting means as taught Stevens with the apparatus of Stempeck as modified with Minoura for setting the display device for enabling the display device to display the stored image in order to conserve the power of the apparatus .

Stempeck fails to teaches recording images from the memory on a recording medium . Kinoshita teaches means for recording stored image form a memory to a

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recording medium (external recording mode). It would have been obvious to one of ordinary skill in the art to modify Stempeck with Kinoshita by using Teaching Kinoshita for incorporating means for recording the image on a recording medium thereby enhancing dubbing capacity of the apparatus of Stempeck.

Regarding claims 23 and 24, Stempeck as modified with Minoura, Stevens and Kinoshita further teaches the use of a medium for storing a program to implement a control method as recited in claim 18 since Stempeck, Minoura, Stevens and Kinoshita teach controllers to control the operation of the apparatus based on instruction from the controller.

6. Claims 2,4 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stempeck in view of Minoura and Stevens as applied to claims 1,3,5 and 7 above, further in view of Fellegara et al (5,845,166).

Stempeck further teaches that display means is a LCD but fails to specifically teach that the LCD is a LCD backlight of claims 2,4 and 8. However, it is note that using a LCD backlight is well known in the art as taught by Fellegara et al (column 9, lines 37-41). Therefore, it would have bee obvious to one of ordinary skill in the art to modify Stempeck as modified with Minoura and Stevens with Fellegara by using a LCD having a backlight as an alternative for the LCD of Stempeck and setting the backlight to be disable when the backlight is unnecessary in the operation of the apparatus in order to reduce the power consumption since Stevens teaches that power supply means can be modified to supplies part of the apparatus with separate

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lines and the line can be cut off from part to unnecessary part to reduce power consumption (See Stevens, column 7).

7. Claims 10 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stempeck in view of Minoura and Stevens and Kinoshita as applied to claims, 9 and 11 above, further in view of Fellegara et al (5,845,166).

Stempeck further teaches that display means is a LCD but fails to specifically teach that the LCD is a LCD backlight as being recited in claims 10 and 12. However, it is noted that using a LCD backlight is well known in the art as taught by Fellegara et al (column 9, lines 37-41). Therefore, it would have been obvious to one of ordinary skill in the art to modify Stempeck as modified with Minoura and Stevens with Fellegara by using a LCD having a backlight as an alternative for the LCD of Stempeck and setting the backlight to be disabled when the backlight is unnecessary in the operation of the apparatus in order to reduce the power consumption since Stevens teaches that power supply means can be modified to supply part of the apparatus with separate lines and the line can be cut off from part to unnecessary part to reduce power consumption (See Stevens, column 7).

Response to Arguments

8. Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection.

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9. The incorrect reference number to Stempeck cited in PTO 892 paper No 8 of the previous office action has been corrected and cited in PTO 892 of this office action .

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to HUY T NGUYEN whose telephone number is (703) 305-4775. The examiner can normally be reached on 8:30AM -6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Christensen can be reached on (703) 308-9644. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

H.N


HUY T. NGUYEN
PRIMARY EXAMINER